

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Moshe Drebin,

Plaintiff,

Civil Action No.: _____

v.

Medicredit, Inc.

**COMPLAINT AND DEMAND
FOR TRIAL BY JURY**

Defendant(s).

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Plaintiff Moshe Drebin (“Plaintiff” or “Drebin”), by and through its attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for its Complaint against the Defendant Medicredit, Inc. (“Defendant” or “MEDICREDIT”), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant’s violation(s) of Sec. 1692 et. Seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act (“FDCPA”).

PARTIES

2. Plaintiff is a resident of the State of NY, County of Queens, residing at 717 Annapolis Street, Far Rockaway, NY 11691.

3. Defendant is a collection firm with a principal place of business, upon information and belief, at 3 Cityplace Dr., Ste 690, Saint Louis, MO 63141, and, upon information and belief, is licensed to do business in the State of NY. Defendant's Registered Agent is CSC- Lawyers Incorporating Service Company located at 221 Bolivar, Jefferson City, MO 65101.

4. MEDICREDIT is a "debt collector" as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 U.S.C. Sec. 2201. If applicable, the Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. Sec. 1367 (a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 (b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, on a date better known to Defendant, Defendant began collection activities on an alleged consumer debt from the Plaintiff ("Alleged Debt").

9. On or about December 19, 2011, Plaintiff sent a letter to Defendant, requesting validation of the debt ("Exhibit A").

10. Defendant failed to provide validation information requested by Plaintiff.

11. Defendant failed to report the debt to the credit bureaus as disputed ("Exhibit B").

12. Said failure on the part of Defendant is a violation of the FDCPA, 15 U.S.C. § 1692e(8), which prohibits a debt collector from “communicating false credit information, including the failure to state that the debt was disputed”.

13. As a result of Defendant’s deceptive, misleading and unfair debt collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

14. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “13” herein with the same force and effect as if the same were set forth at length herein.

15. Defendant’s debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692e(8).

16. As a result of Defendant’s violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

17. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues this complaint to which Plaintiff is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Moshe Drebin demands judgment from the Defendant Medcredit, Inc. as follows:

A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);

- B. For statutory damages provided and pursuant to 15 USC Sec.1692k(2)(A);
- C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
- D. A declaration that the Defendants' practices violated the FDCPA; and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
October 15, 2012

Respectfully submitted,

By: s/ Aryeh L. Pomerantz
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